

REMARKS

This amendment is in response to a non-final Office action (Paper No. 20050904) mailed September 9, 2005. Upon entry of this amendment, claims 7-9 and 22-37 will be pending. Applicant has canceled claims 1-6 and 11-21 without prejudice or disclaimer as to their subject matter by this amendment, has amended claim 7 and has newly added claims 22-37 by this amendment.

In Paper No. 20050904, the Examiner objected to the drawings under 37 CFR 1.83 (a) for allegedly not showing the stack of paper claimed feature. Applicant has amended FIGS. 3-5 by this amendment to more clearly show the stacks of papers.

In Paper No. 20050904, the Examiner has rejected claims 1-9 and 11-21 under 35 U.S.C. 112, first paragraph for an allegation that the specification does not describe the stack of paper feature. Although Applicant submits that the original specification is replete with teachings of stacks of paper and piles of paper, Applicant has further amended paragraph 0021 to more clearly describe this feature in conjunction with amended FIGS. 3-5.

In Paper No. 20050904, the Examiner has rejected numerous times claims 1-6 and 11-21 under 35 U.S.C. 103 (a) using various combinations of applied prior art references. In this amendment, Applicant has canceled these claims making these 35 U.S.C. 103 (a) rejections moot.

Applicant is newly adding claims 22-37 by this amendment. In independent claims 22 and 32, Applicant is claiming the essence of Applicant's invention of a crate where two portions are joined together by both sewn thread and adhesive. The adhesive serves to fill the holes perforating the two portions created by the sewing to produce an air tight and moisture tight packing crate.

Applicant has reviewed all of the prior art references and can not find any similar teaching in any one or in any combination of the applied prior art of Paper No. 20050904, especially the combination presented in paragraph 18 of Paper No. 20050904 on page 7 using Walter in view of Humphner . Walter (USP 1,449,467) teaches wax used in combination with thread. However, Applicant's invention uses adhesive and Applicant submits that wax is not an adhesive and this Walter fails to teach or suggest Applicant's claimed invention. Wax does not serve to join together the two portions of the container as adhesive does. Furthermore, wax melts at a low heat.

Humphner (USP 2,024,224) teaches using a separate strip B that adheres to a corner of a box to join two portions A and A' of the box together. Strip B can be fortified by thread 11 but the thread in Humphner does not bind A and A' together and does not perforate either of A or A'. As a result, Applicant submits that Humphner is an entirely different concept from that of Applicant's invention in that a separate strip B is added or slapped on the corner of the box to join the two pieces A and A' together. In Applicant's invention, the two portions are joined

together directly without the use of a separate strip B. Also in Applicant's invention, the thread is used to join the two pieces together. In Humphner, the thread in strip B is used merely to fortify strip B, and is not used to join together portions A and A'. In Applicant's invention, Applicant folds over an edge of one of the two portions to join with the other portion. This is not done in Humphner. In Applicant's invention, the thread perforates the two portions creating holes in the two portions. In Humphner, the thread does not perforate any of portions A or A'. In Humphner, the thread merely perforates strip B which is slapped on over the corner of the box. As a result, Humphner is an entirely different concept than that of Applicant's claimed invention.

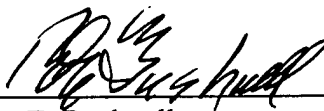
In paragraph 18 of Paper No. 20050904, the Examiner indicates that Walter in view of Humphner would teach Applicant's invention. Applicant entirely disagrees. Applicant submits that if Walter was modified according to Humphner, a separate and additional strip would be added over the corner of the box of Walter. Applicant submits that if Walter were to be modified according to Humphner, the result would not be that the adhesive in Humphner would be substituted for the wax of Walter. This is because Humphner is an entirely different concept than Walter, and Humphner requires a third piece, strip B, to join together pieces A and A'. In Applicant's invention, and in Walter, there is no such third piece. Furthermore, the thread in Humphner is not used to join piece A with A' as in Applicant's invention. Instead, the thread in Humphner is merely used to fortify strip B. Therefore, the combination of Walter and Humphner would not and could not result in Applicant's claimed invention.

Applicant further submits that in the rejection of paragraph 18 of Paper No. 20050904, the Examiner failed to provide a motivation as required by law to justify the combination of Humphner with Walter. Because of this, Applicant submits that Paper No. 20050904 is incomplete because now Applicant can not and does not have a chance to respond to a motivation that was supposed to have been supplied. Furthermore, Applicant submits that there is no credible reason as to why one would want to turn to Humphner to fill in for deficiencies of Walter, because the box in Walter is already sealed. For this reason, Applicant submits that the combination of Walter in view of Humphner does not and can not teach Applicant's claimed invention.

A fee of \$225.00 is incurred by filing of a petition for a two month extension of time for a SMALL ENTITY, set to expire on 9 February 2006. Applicant's check drawn to the order of Commissioner accompanies this Amendment. Should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Every other forgoing amendments are on merits, this application is deemed to be in condition for allowance of all pending claims. Such action is respectfully requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

Respectfully submitted,



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